

## REMARKS

Support for the amendment to claim 29 can be found in claims 33 and 35. Claims 33 and 35 are amended to clarify that the cysteine substitution is to one or more of the cysteines in the reference sequences of amino acid residues 20 to 145 of SEQ ID NO:2 or amino acid residues 1 to 130 of SEQ ID NO:8 (which do not contain any cysteine mutations). In contrast, amino acids 1 to 130 of SEQ ID NO:10 already have one cysteine mutation (the 5<sup>th</sup> cysteine is mutated to serine) as compared to the reference sequence of amino acids 1 to 130 of SEQ ID NO:8. Support for the amendment to claim 37 is in claim 29.

Claim 34 has been made independent in the form of new claim 53.

Applicants do not believe the amendment introduces any new matter. An early notice to that effect is earnestly solicited.

In formal compliance with the restriction requirement, Applicants hereby elect with traverse to prosecute in this application the subject matter of Group I, claims 29-39 and 46, drawn to a monomeric soluble form of CD83 protein or a pharmaceutical composition thereof. Applicants also elect species a) the form of CD83 protein specified in claim 33 (amino acid residues 20 to 145 of SEQ ID NO:2; and b) the modified CD83 protein comprising one cysteine substitution.

Claims 29-33, 36, 38 and 46 are believed to read on the elected Group and species.

With respect to the traversal, Applicants point out that main claim 29 has been amended to recite two “mother” proteins, specifically, amino acid residues 20 to 145 of SEQ ID NO:2 and

amino acid residues 1 to 130 of SEQ ID NO:8. Applicants believe claim 29, as amended, is characterized by unity of invention and, therefore, the group restriction requirement should be reconsidered and withdrawn.

Further, the species election should also be reconsidered and withdrawn. Unity of invention is considered in the first instance only in relation to the independent claims. If the independent claims are characterized by unity of invention, then the matter ends there. In short, as claim 29 is characterized by unity of invention, it is irrelevant that dependent claims 33, 35 and 39 are drawn to distinct species. The Examiner must consider all of the species together along with claim 29.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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